



City of San Antonio, Texas

Ethics Advisory Opinion No. 2015-05

May 6, 2015

Issued By: City Attorney's Office

I. Issue:

When does a City employee need to report third party-paid travel expenses related to the performance of their official City duties? Do City employees have to report the gratuitous provision of travel by a third party if it is not related to their official duties?

II. Inquiry

A City employee has inquired when she is required to submit travel reports when travel has been provided by a third party, and the travel is connected to her official duties for the City. She further inquires whether the May 2013 amendments to the Ethics Code now require her to submit travel reports when the gratuitous provision of travel by a third party is not related to her official duties for the City.

III. The Ethics Code

Section 2-76 Travel Reporting Requirements

In May of 2013, the City Council amended Section 2-76 of the Ethics Code, which details requirements related to travel taken by City employees, officials, and officers. The amendments changed the date City officials and employees must report the gift of travel from ten business days before the travel, to ten business days after the travel has occurred, and added a requirement for City officials or employees who file a detailed financial disclosure report to also report the gratuitous gift of transportation, accommodations, entertainment, meals, or refreshments paid for by a third party, that is not related to the official duties of the recipient.

Sec. 2-76. - Travel reporting requirements.

- (a) City-related travel. Any City official or employee who, in connection with his or her official duties, accepts a trip or excursion involving the gratuitous provision of transportation, accommodations, entertainment, meals, or refreshments paid for by a person or entity other than a public agency must file with the City Clerk, within ten (10) business days of return from the travel, a disclosure statement identifying:

- (1) The name of the sponsor;
 - (2) The places visited;
 - (3) The purpose and dates of the travel; and
 - (4) The amount of the expenses incurred.
- (b) Acceptance of a trip or excursion by Municipal Court Judges and Magistrates, City Manager, Deputy City Manager, City Clerk, Assistant City Clerk, Assistant City Managers, Assistants to the City Manager, and all department heads, assistant department heads, and employees in positions listed on the executive pay plan (job class 1000 through 1999) must receive prior written approval of the City Manager. Other personnel must receive written approval by their department director. Boards and commissions members must receive approval by a vote of their board or commission.
- (c) Non-City travel. Any City official or employee required to file a financial disclosure report (section 2-73), who accepts a trip or excursion involving the gratuitous provision of transportation, accommodations, entertainment, meals, or refreshments paid for by a person or entity other than a public agency must file with the City Clerk, within ten (10) business days of return from the travel, a disclosure statement identifying:
- (1) The name of the sponsor;
 - (2) The places visited;
 - (3) The purpose and dates of the travel; and
 - (4) The amount of the expenses incurred.
- (d) The exceptions contained in subsection 2-74(l) apply to the reporting requirements of subsection (c), above.

The City employees and officials required to file the financial disclosure report of Section 2-73 include City executives, including the City Manager and City Attorney. The majority of City employees fill out a shorter report, detailed in Section 2-75 of the Ethics Code. This employee reports that she fills out the short-form report. Because of this fact, the only third-party provided travel reporting she must make is City-related travel.

Travel that is provided in excess of the amount the City would have paid had the City funded the travel is considered a personal gift to the employee, and that amount must be reported on her annual financial disclosure report.

IV. Conclusion

The City employee who accepted third party sponsored travel related to City business must report details of the travel on the "Third Party Sponsored Travel Report" form within ten business days of her return from the trip. If a portion of the expenses related to her travel exceeded the rates the City would have authorized, she must report the difference on her annual financial disclosure report. Because she uses the short form annual report, she does not need to disclose travel provided by a third party when the travel is not related to her official duties to the City.